

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE SMITH BARNEY TRANSFER
AGENT LITIGATION

CIVIL ACTION
No. 95 Civ. 7583 (WHP)

**NOTICE OF LEAD PLAINTIFF'S AMENDED MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENT**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Lead Plaintiffs' Amended Motion for Preliminary Approval of Settlement submitted herewith, the Declaration of Mark Levine in Support of Lead Plaintiff's Motion for Preliminary Approval of Settlement, executed on August 9, 2013 (Dkt. 286); (Corrected) Supplemental Declaration of Mark Levine in Support of Lead Plaintiffs Motion for Preliminary Approval of Settlement, executed on September 4, 2013 (Dkt. 292); Second Supplemental Declaration of Mark Levine in Support of Lead Plaintiff's Amended Motion Preliminary Approval of Settlement executed on September 24, 2013 and attached exhibits, and all other papers and proceedings heretofore had herein, Lead Plaintiff¹ and Class Representative David Zagunis, and Named Plaintiffs and Class Representatives Jeffrey Weber, the DVL 401(k) Plan, Bharat U. Shah, Steven W. Hall, Richard W. Rees, Renee Miller hereby move for entry of an order:

- 1) granting preliminary approval of a proposed Class-wide Settlement in this Action;
- 2) approving the form and manner of disseminating notice the certified Class of the pendency of the Action as a class action and the proposed Settlement of the Action; Plan of Allocation; Settlement Hearing and Motion for attorneys' fees and reimbursement of expenses;
- 3) approving the form of the proof of claim and the manner in which proof of claims are to be filed;

¹ All capitalized terms not otherwise defined shall have the same meaning as those set forth in the Amended Stipulation of Settlement executed by the parties on August 8, 2013 ("Amended Stipulation"), which contains the terms and conditions of the proposed settlement of the Action ("Settlement")

- 4) approving the selection of RG2 Claims Administration LLC to act as the claims administrator for the settlement;
- 5) setting a Settlement Hearing date for final approval of the Settlement, Plan of Allocation; award of Litigation Expenses, attorney's fees and Plaintiffs' Expenses as well as a schedule for various other settlement-related deadlines; and
- 6) such other and further relief as the Court deems proper.

Plaintiffs' motion is unopposed.

DATED: September 24, 2013

Respectfully submitted,

STULL, STULL & BRODY

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